

## Department of the Navy, DoD

## § 775.12

ripe for decision and exclude from consideration issues already decided or not yet ripe. (40 CFR 1508.28(b).) The sequence of statements or analyses is:

(i) From a broad program, plan, or policy environmental impact statement (not necessarily site specific) to a subordinate/smaller scope program, plan, or policy statement or analysis (usually site specific) (40 CFR 1508.28(a)).

(ii) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation) (40 CFR 1508.28(b)).

(iii) In addition to the discussion required by these regulations for inclusion in environmental impact statements, the programmatic environmental impact statement shall also discuss:

(A) A description of the subsequent stages or sites that may ultimately be proposed in as much detail as presently possible;

(B) All of the implementing factors of the program that can be ascertained at the time of impact statement preparation;

(C) All of the environmental impacts that will result from establishment of the overall program itself that will be similar for subsequent stages or sites as further implementation plans are proposed; and

(D) All of the appropriate mitigation measures that will be similarly proposed for subsequent stages or sites.

(iv) The analytical document used for stage or site specific analysis subsequent to the programmatic environmental impact statement shall also be an environmental impact statement when the subsequent tier itself may have a significant impact on the quality of the human environment or when an impact statement is otherwise required. Otherwise, it is appropriate to document the tiered analysis with an environmental assessment to fully assess the need for further documentation or whether a FONSI would be appropriate.

(2) [Reserved]

### § 775.10 Relations with state, local and regional agencies.

Close and harmonious planning relations with local and regional agencies and planning commissions of adjacent cities, counties, and states, for co-operation and resolution of mutual land use and environment-related problems should be established. Additional coordination may be obtained from state and area-wide planning and development "clearinghouses". These are agencies which have been established pursuant to Executive Order 12372 of July 14, 1982 (3 CFR, 1982 Comp., p. 197). The clearinghouses serve a review and coordination function for Federal activities and the proponent may gain insights on other agencies' approaches to environmental assessments, surveys, and studies in relation to any current proposal. The clearinghouses would also be able to assist in identifying possible participants in scoping procedures for projects requiring an EIS.

### § 775.11 Public participation.

The importance of public participation (40 CFR 1501.4(b)) in preparing environmental assessments is clearly recognized and it is recommended that commands proposing an action develop a plan to ensure appropriate communication with affected and interested parties. The command Public Affairs Office can provide assistance with developing and implementing this plan. In determining the extent to which public participation is practicable, the following are among the factors to be weighed by the command:

(a) The magnitude of the environmental considerations associated with the proposed action;

(b) The extent of anticipated public interest; and

(c) Any relevant questions of national security and classification.

### § 775.12 Action.

The Chief of Naval Operations and the Commandant of the Marine Corps shall, each, as appropriate:

(a) Provide guidelines and procedures for administrative direction and implementation of this part and CEQ regulations; and

**Pt. 776**

**32 CFR Ch. VI (7–1–01 Edition)**

(b) Maintain a focal point for the coordination of the preparation of environmental assessments and impact statements.

**PART 776—PROFESSIONAL CONDUCT OF ATTORNEYS PRACTICING UNDER THE COGNIZANCE AND SUPERVISION OF THE JUDGE ADVOCATE GENERAL**

**Subpart A—General**

Sec.

- 776.1 Purpose.
- 776.2 Applicability.
- 776.3 Policy.
- 776.4 Attorney-client relationships.
- 776.5 Judicial conduct.
- 776.6 Conflict.
- 776.7 Reporting requirements.
- 776.8 Professional Responsibility Committee.
- 776.9 Rules Counsel.
- 776.10 Informal ethics advice.
- 776.11 Outside part-time practice of law.
- 776.12 Maintenance of files.
- 776.13–776.17 [Reserved]

**Subpart B—Rules of Professional Conduct**

- 776.18 Preamble.
- 776.19 Principles.
- 776.20 Competence.
- 776.21 Establishment and scope of representation.
- 776.22 Diligence.
- 776.23 Communication.
- 776.24 Fees.
- 776.25 Confidentiality of information.
- 776.26 Conflict of interest: General rule.
- 776.27 Conflict of interests: Prohibited transactions.
- 776.28 Conflict of interest: Former client.
- 776.29 Imputed disqualification: General rule.
- 776.30 Successive Government and private employment.
- 776.31 Former judge or arbitrator.
- 776.32 Department of Navy as client.
- 776.33 Client under a disability.
- 776.34 Safekeeping property.
- 776.35 Declining or terminating representation.
- 776.36 Prohibited sexual relations.
- 776.37 Advisor.
- 776.38 Mediation.
- 776.39 Evaluation for use by third persons.
- 776.40 Meritorious claims and contentions.
- 776.41 Expediting litigation.
- 776.42 Candor and obligations toward the tribunal.
- 776.43 Fairness to opposing party and counsel.

- 776.44 Impartiality and decorum of the tribunal.
- 776.45 Extra-tribunal statements.
- 776.46 Attorney as witness.
- 776.47 Special responsibilities of a trial counsel.
- 776.48 Advocate in nonadjudicative proceedings.
- 776.49 Truthfulness in statements to others.
- 776.50 Communication with person represented by counsel.
- 776.51 Dealing with an unrepresented person.
- 776.52 Respect for rights of third persons.
- 776.53 Responsibilities of the Judge Advocate General and supervisory attorneys.
- 776.54 Responsibilities of a subordinate attorney.
- 776.55 Responsibilities regarding non-attorney assistants.
- 776.56 Professional independence of a covered USG attorney.
- 776.57 Unauthorized practice of law.
- 776.58–776.65 [Reserved]
- 776.66 Bar admission and disciplinary matters.
- 776.67 Judicial and legal officers.
- 776.68 Reporting professional misconduct.
- 776.69 Misconduct.
- 776.70 Jurisdiction.
- 776.71 Requirement to remain in good standing with licensing authorities.
- 776.72–776.75 [Reserved]

**Subpart C—Complaint Processing Procedures**

- 776.76 Policy.
- 776.77 Related investigations and actions.
- 776.78 Informal complaints.
- 776.79 The complaint.
- 776.80 Initial screening and Rules Counsel.
- 776.81 Charges.
- 776.82 Interim suspension.
- 776.83 Preliminary inquiry.
- 776.84 Ethics investigation.
- 776.85 Effect of separate proceeding.
- 776.86 Action by JAG.
- 776.87 Finality.
- 776.88 Report to licensing authorities.

**Subpart D [Reserved]**

AUTHORITY: 10 U.S.C. 806, 806a, 826, 827; Manual for Courts-Martial, United States, 1998; U.S. Navy Regulations, 1990; Secretary of the Navy Instruction 5430.27 (series), Responsibility of the Judge Advocate General for Supervision of Certain Legal Services.

SOURCE: 65 FR 15060, Mar. 21, 2000, unless otherwise noted.